

FARMINGTON CITY PLANNING COMMISSION MEETING

Thursday, August 27, 2009

PLANNING COMMISSION STUDY/WORK SESSION

***Present:** Chairman John Bilton, Commission members Steve Andersen, Rick Draper, Randy Hillier, Michael Wagstaff and Jim Young, City Planner David Petersen, Assistant City Planner Glenn Symes, City Attorney Todd Godfrey and Recording Secretary Cynthia DeCoursey.*

Chairman Bilton called the meeting to order at 6:25 p.m.

(Agenda Item #4) - Young Electric Sign Co. (YESCO) – (Public Hearing) – Applicant is requesting approval of a special exception for the alteration of two existing billboards located on the northwest corner of the Farmington Junior High property located at 150 South 200 West and on property adjacent to I-15 at approximately 350 West 200 South (M-10-09).

Closed Session

Steve Andersen made a motion that the Planning Commission move into a closed session to discuss this Agenda Item. **Michael Wagstaff** seconded the motion, and it was unanimously approved.

Steve Anderson made a motion to end the closed session. **Jim Young** seconded the motion, and it was unanimously approved. The closed session ended at 7:05 p.m.

Jim Young made a motion to extend the work session until 7:10 p.m. **Michael Wagstaff** seconded the motion, and it was unanimously approved.

(Agenda Item #3) - DAI – Applicant is requesting a recommendation of approval for an amendment to the Preliminary and Final PUD Master Plan for The Grove (formerly Palmer Estates) subdivision and the associated Final Plat. The proposed amendment would increase the overall number of units to 28 from the 18 originally approved (S-17-06).

Glenn Symes said the developer met with some of the neighbors, but there was no change in DAI's request. A letter received from the original property owner, **Bradley C. Palmer**, was reviewed by those in attendance.

PLANNING COMMISSION REGULAR SESSION

***Present:** Chairman John Bilton, Commission members Steve Andersen, Rick Draper, Randy Hillier, Michael Wagstaff and Jim Young, City Planner David Petersen, Assistant City Planner Glenn Symes, City Attorney Todd Godfrey and Recording Secretary Cynthia DeCoursey.*

Chairman Bilton opened the meeting at 7:00 p.m. Commissioner **Jim Young** offered the invocation.

Approval of Minutes - (Agenda Item #1)

Motion

Steve Andersen made a motion to approve the minutes of the August 11, 2009 Planning Commission Meeting with one change as noted in the work session. The motion was seconded by **Rick Draper**, and it was unanimously approved.

City Council Report - (Agenda Item #2)

Glenn Symes informed the Commission that the City Council approved the City's sign ordinance regarding political signs.

DAI – Applicant is requesting a recommendation of approval for an amendment to the Preliminary and Final PUD Master Plan for The Grove (formerly Palmer Estates) subdivision and the associated Final Plat. The proposed amendment would increase the overall number of units to 28 from the 18 originally approved (S-17-06). (Agenda Item #3)

Background Information

Glenn Symes said one of the main reasons this item was tabled at the previous meeting was to allow time for the developers to meet with concerned residents; however, there were no changes in the application. **Mr. Symes** referred to a letter from **Bradley Palmer**, the original property owner, which states that he does not support the proposal.

Spencer White, 1801 South 2000 East, Salt Lake City, is a consultant for DAI. He attended the neighborhood meeting, but he said there were no compromises made. **Mr. White** pointed out that within a PUD, the developer is allowed to set its own setbacks. DAI has proposed an average setback, and both the side and the rear setbacks are within the requirements. He said they are willing to look at traffic issues again, but he stressed that they are not asking for more than is allowed in the zoning ordinance. He said it will be high-quality housing, and DAI believes their project will not diminish **Bradley Palmer's** property value. He said they can possibly work with some of the subjective items, but they cannot change the number of lots.

Jim Young referred to the previous Commission meeting in which twelve residents spoke against the proposal, three were in favor of it, and two were unsure. He said he would want larger setbacks if he was buying one of these homes for \$500,000 - \$750,000. He asked the developer to show examples of similar developments. **Mr. White** said there was nothing comparable in Farmington, but he knows of

similar developments in other areas of the state and believes there will be many more in the future. He said DAI would like to maintain their integrity and complete a quality development. The company would like to have fewer units, but it would not be monetarily feasible for them to decrease the density.

Chairman Bilton said it would be difficult for the Commission to approve this request because the primary property owner, **Mr. Palmer** does not approve of the higher density and believes it will be detrimental to the property value of his home. He reminded the applicant that this property is located in the OTR zone, and the Commission would like to maintain the look and feel of old-town Farmington. He also said the economic viability of the project is not the Planning Commission's concern. There was discussion regarding density, traffic, setbacks, and impact on the surrounding area, and the Commission advised DAI to review their options and work towards a compromise.

Motion

Steve Andersen made a motion that the Planning Commission table the request for Preliminary and Final PUD Master Plan and Final Plat approval for The Grove PUD to allow staff to work with the City Attorney and the developer and to allow the applicant to provide necessary information as requested by the Commission and to present an updated plan showing greater side yard setbacks between homes. **Michael Wagstaff** seconded the motion, and it was unanimously approved.

(Agenda Item #4) - Young Electric Sign Co. (YESCO) – (Public Hearing) – Applicant is requesting approval of a special exception for the alteration of two existing billboards located on the northwest corner of the Farmington Junior High property located at 150 South 200 West and on property adjacent to I-15 at approximately 350 West 200 South (M-10-09). (Agenda Item #4)

Background Information

David Petersen said he and City Attorney, **Todd Godfrey**, met with YESCO on Monday to discuss options regarding this request and to offer an option of relocating Billboard 1 approximately 500 feet north of the current Billboard 2. He presented a map which showed sewer and water line easements, and there was discussion regarding the two Billboards.

Motion

Steve Andersen made a motion to approve a brief recess to allow three Commission members to discuss this item with YESCO representatives. **Michael Wagstaff** seconded the motion, and it was unanimously approved.

Chairman Bilton called for a recess at 8:00 p.m. The regular meeting was resumed at 8:50 p.m., and he asked that the applicant speak to the Commission.

Robert McConnell, 185 South State Street, Suite 800, Salt Lake City, representing YESCO, said they reviewed the proposal with three members of the Planning Commission and reached an agreement with

several modifications of the Special Exception Approval Letter. He said that with these changes, they are comfortable with the agreement and will be able to move forward with the changes.

Motion

Jim Young made a motion that the Planning Commission grant Special Exception approval to Yesco for Billboards 1 and 2 as shown in its applications, with the following changes and conditions which have been agreed upon by both parties:

1. That Billboard 2 as shown in the application materials be approved at a revised height of 45 feet at its present location.
2. That Billboard 1 as shown in the application materials be approved at a revised height of 45 feet as shown in the materials submitted to the Planning Commission at tonight's meeting. The applicant has voluntarily agreed to enter into a written agreement with the City, which agreement shall be memorialized in an agreement acceptable to the City's legal counsel, providing for the following relocation option for Billboard 1.
3. If the relocation conditions for Billboard 1 stated below are satisfied within ninety (90) days from today, the applicant shall relocate Billboard 1 to a location preferred by the City which is south of the current location but approximately 550 feet north of Billboard 2 at a height of 50 feet. The relocation conditions are as follows:
 - a. The City shall have taken all actions necessary to provide the applicant with a final non-appealable permit which permit, however, may be appealed by a third party, to construct Billboard 1 in the alternative location, including any re-zoning of the underlying property necessary to the issuance of such permit. The applicant shall be required to work in good faith with the City in advancing such permit, but all application, re-zoning, plan check or other fees shall be waived by the City.
 - b. The applicant shall have obtained the written permission of the owner and any affected easement owners of the alternative location to locate Billboard 1 in such alternative location. The applicant and the City shall be required to work in good faith and to exercise commercially reasonable efforts to obtain such permission.
 - c. The applicant shall have received final permits to construct Billboard 1 in the alternative location from all relevant State and Federal agencies, which permits the applicant shall diligently pursue.
4. If the foregoing conditions are not satisfied within ninety (90) days from today, the applicant shall be permitted to move forward with reconstruction of Billboard 1 at its present location and at a height of forty-five feet pursuant to the approval granted above.
5. Notwithstanding the foregoing, in the event that the relocation of Billboard 1 is challenged after such relocation, the applicant shall have the right to install Billboard 1 at or about its present location at a height of 45 feet. All heights shall be measured at the now existing grade at the base of the monopole structure.

Conditions

1. The sign faces and any part of the Billboard structures shall not encroach onto the UDOT right-of-way. This shall be verified by the applicant in a manner acceptable to the City.
2. The applicant must demonstrate that neither sign encroaches onto any sewer, storm drain, culinary water and other easements, or onto any adjacent private property.
3. The applicant must provide a soils report including but not limited to a finding as to whether or not the soil is contaminated.

Michael Wagstaff seconded the motion, and it was unanimously approved.

Findings for Approval

1. Both Billboards impact adjacent private property and have the potential to be illuminated throughout night-time hours. Billboard 1 in particular creates a tremendous impact on property north of Farmington Junior High, which property may be developed into additional residential lots in the future.
2. YESCO maintains that the Billboards are clearly visible at the heights set forth in the motion.
3. The revised location of Billboard 1 is zoned LR (Large Residential).
4. Sanitary sewer, storm drain, and culinary water lines are located next to the Billboard sites. The width of each respective easement is unknown by the applicant and city staff. The new billboards should not encroach into the easements; therefore, the width and location of the easements should be verified by the applicant as is normally the case under similar circumstances prior to the issuance of the building permits.
5. Evidence suggests that the west fence of the Farmington Junior High property abutting the UDOT right-of-way is not located on the property line. The Billboards should be as close as possible to the property line, but they should not encroach onto UDOT property.
6. The Billboards are located on the old Miller Floral Site. It is reported that due to soil contamination, special remediation efforts were required for expansion of the Junior High building now under construction.
7. Farmington City values the aesthetics of this community and would like to maintain consistency with regard to the height and look of its signs. The Commission feels that has been accomplished in this case.

Miscellaneous, correspondence, etc. - (Agenda Item #5)

City Staff reminded Commission members of the Utah Land Institute conference which will be held on October 14, 2009.

ADJOURNMENT

Motion

Steve Andersen made a motion to adjourn the meeting. The motion was seconded by **Rick Draper**, and the meeting adjourned at 9:00 p.m.

John Bilton, Chairman
Farmington City Planning Commission